

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

MATTHEW BROWN,

Plaintiff,

-v-

PROVE IDENTITY, INC., et al.,

Defendants.

CIVIL ACTION NO.: 22 Civ. 09315

(AT) (RFT)

ORDER

ROBYN F. TARNOFSKY, United States Magistrate Judge.

On December 14, 2023, the parties submitted a joint letter seeking the Court's intervention in a discovery dispute (*See* ECF 46). By Order of Reference dated December 15, 2023 (ECF 47), Judge Analisa Torres referred this case to Magistrate Judge Jennifer E. Willis for general pretrial supervision, including scheduling, discovery, non-dispositive pretrial motions, and settlement, as well as the current discovery dispute. On December 18, 2023, that referral was reassigned to me. I held a conference with the parties on December 29, 2023.

For the reasons discussed at the conference, the parties are ORDERED that: (1) By **February 15, 2024**, Crystal Santistevan, Dimitre Boyukliev, Greg Machacek, and either Tom Fitzsimmons or Rodger Desai are to be deposed remotely or in person, as chosen by the Plaintiff; (2) after the depositions of those four witnesses, but not later than **February 29, 2024**, Plaintiff is to be deposed in person, in New York City; and (3) after the Plaintiff is deposed, but not later than **March 15, 2024**, the remaining deponent (either Tom Fitzsimmons or Rodger Desai) is to be deposed in person in New York City.

Additionally, the parties are ORDERED that Defendant shall search the phone(s) of Rodger Desai and produce, by **January 29, 2024**, all non-privileged responsive documents that are located; and that Plaintiff shall search his phone(s) and, by **January 29, 2024**, produce all non-privileged responsive documents that are located. Such production shall be in a format that includes full text threads as well as all metadata.

The original discovery deadline was April 28, 2023. (*See* ECF 21.) There have already been two extensions of the discovery schedule, and discovery currently is set to close on January 2, 2024 (*see* ECF 45). The parties' fact discovery deadline is extended until **March 15, 2024**. No further extensions will be granted absent good cause shown.

The parties are ORDERED to submit a joint letter to the Court by **5 p.m. on March 18, 2024**, updating the Court on the status of discovery and indicating whether they would like to attempt settlement, either through a referral to the Court's ADR program or a settlement conference before me.

Dated: January 2, 2024
New York, New York

SO ORDERED.



ROBYN F. TARNOFSKY
UNITED STATES MAGISTRATE JUDGE